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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,177	02/01/2007	Sabine Lindemann	628/07	4021

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EXAMINER	
ENGLISH, JAMES A	
ART UNIT	**PAPER NUMBER**
4155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,177	LINDEMANN ET AL.	
	Examiner	Art Unit	
	James English	4155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08/21/2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :02/01/2007, 09/11/2006 and 08/21/2006.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: In paragraph 19, line 4, the phrase “in an airbag” should be changed to "of an airbag." In paragraph 25, line 3 the phrase “This or the” is ambiguous. In paragraph 43, line 5, the use of the term “sewage” is not correct.

Appropriate correction is required.

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

3. Claim 14 is objected to because of the following informalities: The phrase "for pivoting it" should be changed to "for pivoting in." Appropriate correction is required.

4. Claim 21 is objected to because of the following informalities: According to the preamble of claim 21 to a "motor vehicle door," the reference appears to refer to claim 19 instead of claim 18. For purposes of this examination, the examiner is assuming the claim 21 is referring to claim 19. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 8-12, 16, 19 and 21 rejected under 35 U.S.C. 102(b) as being anticipated by David et al. (US Publication No. 2001/0042975 A1).

Consider claim 1, David et al. discloses an airbag module (28), to protect the vehicle occupant during a lateral rollover, which can be integrated or mounted to the door panel (26), wherein the door panel (26) includes a cover that is removable i.e. torn open or pivoted away by deployment. (Figs. 1-2b, paragraph 1, lines 3-4, paragraph 2, lines 3-4, and paragraph 17, lines 5-12.) David et al. further discloses the airbag module (28) having a housing (29) with an outlet opening (19) and opposing walls or sidewalls (29a) and a base (29b) extending between them. (Figs. 1-2b, paragraph 18, lines 1-4.) This is analogous to an airbag (28) for head and/or shoulder side-collision protection during a rollover that has an airbag directional shoot ("sidewalls" and "base" – 29a, 29b) including an outlet opening (19) for deploying the airbag in a direction of a head and/or shoulder area (Fig. 1), and at least one flap ("cover") for closing the outlet opening (18).

Consider claim 8, David et al. further discloses the airbag module (28) having a housing (29) with an outlet opening (19) and opposing walls or sidewalls (29a) and a base (29b) extending between them. (Figs. 2a-2b, paragraph 18, lines 1-4.) This is analogous to the airbag directional shoot having a side limit ("sidewall" – 29a) that runs vertically. (Figs. 2a-2b.)

Consider claim 9, David et al. discloses the airbag module (28) having a folded airbag (12) and gas generator (31). (Figs. 2a-2b, paragraph 17, lines 1-3.) This is analogous to a gas generator (31) for deploying the airbag (31).

Consider claim 10, David et al. discloses the airbag module (28), with the gas generator (31), integrated or mounted in the door panel (26). (Fig. 1-2b, paragraph 17, lines 1-6.) This is analogous to the gas generator (31) in a position on an opposite side of the instrument panel. (Fig. 1.)

Consider claim 11, David et al. discloses an airbag cover that pivots away by deployment of the airbag (12). (Paragraph 17, lines 10-12.) This is analogous to an airbag flap designed to swing open towards a side window.

Consider claims 12 and 16, David et al. discloses an airbag module (28) which can be integrated or mounted to the door panel (26) and an outlet opening (19) positioned adjacent to a vehicle or door parapet line (16), wherein the door panel (26) includes a cover that is removable i.e. torn open or pivoted away by deployment. (Figs. 1-2b, paragraph 17, lines 5-12.) This is analogous to the airbag flap ("cover") designed to pivot. This is also analogous to an airbag flap placed in a rail.

Consider claim 19, David et al. discloses an airbag module (28), to protect the vehicle occupant during a lateral rollover, which can be integrated or mounted to the door panel (26), wherein the door panel (26) includes a cover that is removable i.e. torn open or pivoted away by deployment. (Figs. 1-2b, paragraph 1, lines 3-4, paragraph 2, lines 3-4, and paragraph 17, lines 5-12.) David et al. further discloses the airbag module (28) having a housing (29) with an outlet opening (19) and opposing walls or

sidewalls (29a) and a base (29b) extending between them. (Figs. 1-2b, paragraph 18, lines 1-4.) This is analogous to a vehicle door (26) having an airbag (28) for head and/or shoulder side-collision protection during a rollover that has an airbag directional shoot ("sidewalls" and "base" – 29a, 29b) including an outlet opening (19) for deploying the airbag in a direction of a head and/or shoulder area (Fig. 1), and at least one flap ("cover") for closing the outlet opening (18).

Consider claim 21, David et al. discloses a side airbag arrangement to protect the vehicle occupant during a lateral rollover for convertible or roadster vehicles, which do not have a hardtop, with the vehicle including at least one door. (Paragraph 3, lines 2-6.) This is analogous to a motor vehicle door sized and shaped for a cabriolet.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over David et al. (US Publication No. 2001/0042975 A1) in view of Webber (US Patent 6,991,253 B2).

Consider claim 2, David et al. does not describe the tear seam on the door panel cover. Webber teaches of an airbag assembly stored in a hidden relation below a cover (20) which opens along a tear seam (22) which may be of any desired configuration

upon activation of the air bag assembly. (Fig. 1, column 3, lines 41-44.) Webber teaches of an air bag system (416) with a seam (432) that also includes a drag inducing biasing element (439) disposed along the travel path of the air bag cushion (430) between the storage chamber (428) and the deployment opening (436). (Figs. 11 and 12, column 6, lines 52-56.) This is analogous to a tear line (432), having the characteristics of the tear seam of (22), proximate to the airbag directional shoot such that an unfolding force of the airbag is orientated on the tear line. (Fig. 12.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of David et al. to have the tear seam proximate to the airbag directional shoot so that the unfolding force is orientated on the tear line as described in Webber to provide an effective airbag deployment.

Consider claims 3-5, David et al., as modified, does not disclose a collision element. Webber teaches of an airbag assembly stored in a hidden relation below a cover (20) which opens along a tear seam (22) which may be of any desired configuration upon activation of the air bag assembly. (Fig. 1, column 3, lines 41-44.) Webber further teaches of an air bag system (416) with a tear line (432), having the characteristics of the tear seam of (22), that also includes a drag inducing biasing element (439) disposed along the travel path of the air bag cushion (430) between the storage chamber (428) and the deployment opening (436). (Figs. 11 and 12, column 6, lines 52-56.) This is analogous to a wedge-shaped collision element ("drag inducing biasing element" – 439) located in the airbag directional shoot for guiding the unfolding airbag towards the tear line (432). (Fig. 12.) This is also analogous to the collision

element (439) having an angle leg (Fig. 12) that stands up in the area of the tear line (432). (Fig. 12.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of David et al. to have the tear seam proximate to the airbag directional shoot so that the unfolding force is orientated on the tear line as described in Webber to provide an effective airbag deployment.

9. Claims 6, 13-14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over David et al. (US Publication No. 2001/0042975 A1) in view of Heinz et al. (US Patent No. 6,086,091).

Consider claim 6, David et al. does not disclose an angle shaped reinforcement element. Heinz et al. teaches of a side impact protection device (1) with an outlet opening (9) and a retaining panel (24) comprised of an elongated mounting flange (25, 25') that abuts the side of lid half (13) facing away from passenger compartment (18). (Figs. 2, 3, and 5, column 2, lines 49, 55 and column 3, lines 37-40.) This is analogous to an angle shaped reinforcement element ("retaining panel" – 24) coupled to the airbag directional shoot ("outlet opening" – 9). (Fig. 2.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of David et al. to have an angle shaped reinforcement element as described in Heinz et al. to allow for specific pivoting movement of the two lid halves. (Column 2, lines 20-21.)

Consider claim 13, David et al. does not disclose a support. Heinz et al. teaches of an airbag cover (10) comprised of an external frame part (11) fastened to an adjoining trim part (8) as well as two lid halves (12, 13) located one on top the other and

formed integrally with frame part (11), wherein the lid halves (12, 13) are connected at the end facing outer frame part (11). (Figs. 2 and 3, column 2, lines 65-67 and column 3, lines 1-3.) This is analogous to the airbag flap ("lid half" – 13) placed on a support ("frame part" – 11) of the internal door cladding. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of David et al. to have a support as described in Heinz et al. to allow for the airbag cover and lid halves to be correctly positioned relative to the trim part. (Column 1, lines 66-67 and column 2, lines 1-4.)

Consider claim 14, David et al. does not disclose an airbag flap pivoting in an opposite direction as another airbag flap. Heinz et al. discloses that to achieve a specific pivoting movement of lid halves (12, 13) when the gas bag (5) unfolds, thin-walled retaining panels (23, 24) are provided internally on the two lid halves (12, 13), with the panels connecting the external frame part (11) with the adjoining lid half (12 or 13) in addition to the hinge area. (Figs. 2 and 3, column 3, lines 30-35.) This is analogous to a further airbag flap ("lid half" – 12) for covering the outlet opening, wherein the further airbag flap (12) is designed to pivot in an opposite direction from the at least one airbag flap ("lid half" – 13). (Fig. 3.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of David et al. to have a the airbag flaps pivot in opposite directions as described in Heinz et al. to allow efficient deployment of the airbag.

Consider claim 17-18, David et al. does not disclose a support. Heinz et al. teaches of a side impact protection device (1) comprised of a housing (3) and an airbag

cover (10) comprised of an external frame part (11) fastened to an adjoining trim part (8). (Figs. 2 and 3, column 2, lines 48-50 and 65-67.) This is analogous to the limits for the directional shoot are fixed to a support ("frame part" – 11) of the internal door cladding, and a housing (3) for the airbag in folded state is formed below a rail ("adjoining trim part" - 8) of the internal door cladding by means of the limits and the support (11). This is further analogous to the housing having a lance. (Figs. 2 and 3.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of David et al. to have the airbag flaps pivot in opposite directions as described in Heinz et al. to allow for the airbag cover and lid halves to be in correct position relative to the trim part. (Column 1, lines 66-67 and column 2, lines 1-4.)

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over David et al. (US Publication No. 2001/0042975 A1) in view of Webber (US Patent 6,991,253 B2). as applied to claim 2 above, and further in view of Shah et al. (US Application 2003/0015860 A1).

Consider claim 7, David et al., as modified, does not specify the shape of the tear line. Shah et al. teaches of a weakened region (26) that can be any number of geometric arrangements, such as I-shaped, Y-shaped, U-shaped or others depending on the part design and deployment criteria. (Paragraph 34, lines 1-10.) This is analogous to the tear line ("weakened region" – 26) having a substantially V-shaped section for the opening of the flap. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of David et al.

to have a V-shaped tear line as described in Shah et al. to allow for effective deployment of the airbag. (Paragraph 34, lines 11-12.)

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over David et al. (US Publication No. 2001/0042975 A1) in view of Gray et al. (US Publication No. 2004/0164525 A1).

Consider claim 15, David et al. does not specify a holding strip. Gray et al. teaches of a tether (41A) passing completely around the reaction plate (52A) in one or more strips and retains the welded reaction plate (52)/airbag door (14A) when it breaks loose from the instrument panel (10A) due to the inflating airbag (22). (Paragraph 38, lines 12-16.) This is analogous to a holding strip ("tether" - 41A) for the airbag flap (14A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of David et al. to have a holding strip as described in Gray et al. to limit travel of the airbag door upon deployment. (Paragraph 18, lines 23-24.)

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over David et al. (US Publication No. 2001/0042975 A1) in view of Applicant's Admitted Prior Art.

Consider claim 20, David et al. does not disclose the vehicle door as a hybrid door. Applicant's admitted prior art teaches of hybrid doors and their manufacture being well known in the prior art. (Paragraph 34, lines 4-5.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of David et al. to have the vehicle door to be a hybrid door as described in

Applicant's admitted prior art to allow for the manufacture of resistant, cost effective units. (Paragraph 35, lines 3-4.)

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference Bombard (US Patent No. 6,371,514 B1) discloses a door-mounted side airbag with a directional shoot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James English whose telephone number is (571)270-7014. The examiner can normally be reached on Monday - Thursday, 7:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. E./

/James English/
Examiner, Art Unit 4155

/Thu Nguyen/
Supervisory Patent Examiner, Art Unit 4155